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EXAMINER

ROBINSON, KITO R

ART UNIT	PAPER NUMBER
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3692

NOTIFICATION DATE	DELIVERY MODE
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12/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/551,609	Applicant(s) LANGSHUR ET AL.	
	Examiner KITO R. ROBINSON	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32, 39-43 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) 33-38 and 44-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32, 39-43 and 47-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :23 February 2006 & 24 August 2006 .

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DETAILED ACTION

Status of Claims

1. This action is in reply to the election filed on 07 August 2008.
2. Claims 1, 14, 28, & 39 have been amended.
3. Claims 47-49 have been added.
4. Claims 33-38 & 44-46 have been withdrawn from consideration.
5. Claims 1-32, 39-43 & 47-49 are currently pending and have been examined.

Election/Restrictions

6. Applicant's election without traverse of Group I in the reply filed on 07 August 2008 is acknowledged.

Priority

7. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

8. The Information Disclosure Statements filed 23 February 2006 & 24 August 2006 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

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Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-27, 28-32 & 39-43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The body of the claim does not contain any limitations indicating the structure of the system. A system or apparatus claim should always contain the structure or the hardware that performs the function Applicant claims. The Examiner suggests rewording the claims to read "the computer system comprising: a processor, a server....wherein the processor..."

11. The term "substantially similar" in claim 12 is a relative term which renders the claim indefinite. The term "substantially similar" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of this examination the Examiner will interpret the term to mean the **same**.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 47-49 are rejected under 35 U.S.C. § 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to a particular machine or apparatus or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). The process steps in claims (47-49) are not tied to a

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particular machine or apparatus nor do they execute a transformation. Thus, they are non-statutory.

14. Claims 1-27 & 28-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The body of claims 1 & 28 recite "a plurality of instructions." Claims 1 & 28 are directed towards software, *per se*, lacking storage on a medium, which enables any underlying functionality to occur. It is unclear whether instructions are in executable form and therefore there is no practical application.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claims 1-7, 9-10, 12-28, 30-32, 39-43 & 47-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber et al. US 2002/0165759 A1, hereafter Gruber in view of Hermreck et al. US 2002/0133436 A1, hereafter Hermreck.

As per claim 1 & 47

Gruber discloses:

- *a plurality of instructions which direct a processor operating on a wide area network to*
(see at lest paragraph 0011)

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- *control a graphical user interface which is accessible to a plurality of users over the network (see at least paragraph 0023)*
- *enable at least one of the users to present information related to the resident's health condition, the information being available to the other users on the graphical user interface (see at least paragraph 0026)*
- *enable the users to electronically deliver information to an electronic address of the health care facility (see at least paragraph 0030)*
- *enable the health care facility to electronically deliver information to each of the users, the information being accessible to the users at a designated portion of the graphical user interface (see at least paragraph 0034).*

Gruber does not disclose the following, however Hermreck does:

- *cause the graphical user interface to present donation information to the users, the donation information providing the users with direction on making a donation to the health care facility or an entity other than the health care facility, the entity having a purpose to raise donations which are at least partially receivable by the health care facility (see at least paragraph 0039).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because a GUI would allow for an efficient and quick way to record, track and make donations.

As per claim 2

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to produce a plurality of outputs which vary with different historical patterns of inputs made by each of the users (see at least paragraph 0040).*

As per claim 3

Gruber discloses:

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- *the outputs include a prompt selected from the group consisting of a prompt to make a donation to the health care facility or the entity, a prompt to complete a survey of the health care facility, and a prompt to electronically deliver a compliment to at least one of the health care providers (see at least paragraph 0040).*

As per claim 4

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to automatically present designated communications from the health care facility to the users when designated events occur, the designated communications being accessible to the users on the graphical user interface (see at least the Abstract).*

As per claim 5

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to enable a designated one of the users to control the other users' access to the graphical user interface (see at least paragraph 0012).*

As per claim 6

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to activate at least one security function before providing the users with access to designated information (see at least paragraph 0012).*

As per claim 7

Gruber discloses:

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- *the instructions include at least one instruction which directs the processor to enable the health care facility to customize designated functions accessible on the graphical user interface (see at least paragraph 0035).*

As per claim 9

Gruber discloses the limitations as shown in the rejection of Claim 1 above. Gruber does not disclose the limitation of *the instructions include at least one instruction which directs the processor to cause help information to be accessible on the graphical user interface*. However, Hermreck, in at least Paragraph 0037 discloses “e-mail support connection 38 is an e-mail address that allows the user to obtain assistance for operating the software.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because it provides a user friendly guide to making donations.

As per claim 10

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to produce a report based on information provided by the users (see at least paragraph 0074).*

As per claim 12

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to have a graphical scheme which is substantially similar to a graphical scheme of a graphical user interface of the health care facility (see at least paragraph 0034).*

As per claim 13

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to present an input to each of the users wherein activation of said input transfers the user to a location on the network where the user can make a payment to the health care facility or the entity over the network (see at least paragraph 0073).*

As per claim 14

Gruber discloses:

- *receive donation information from a processor of the health care facility or the entity after each of the users makes a donation over the network (see at least paragraph 0066)*

Gruber does not disclose the following, however Hermreck does:

- *upon receiving the donation information, cause a notice to be provided to a designated person associated with the resident (see at least paragraph 0053).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because it allows for a more efficient way of recording and tracking of donor information, as well as, an easy way to track financial goals.

As per claim 15

Gruber discloses the limitations as shown in the rejection of Claim 1 above. Gruber does not disclose the limitation of *the notice includes an identity of the user that made the donation*. However, Hermreck, in at least Paragraph 0039 discloses "instructions 94 inform the user that a name, address, current state tax rate, and current federal tax rate will need to be provided. All of this information will be used in printing receipts, preparing total tax deductions and calculating tax savings."

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because it allows for a

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more efficient way of recording and tracking of donor information, as well as, an easy way to track financial goals.

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As per claim 16

Gruber discloses the limitations as shown in the rejection of Claim 1 above. Gruber does not disclose the limitation of *the notice includes mail selected from the group consisting of electronic mail, nonelectronic mail and voice mail*. However, Hermreck, in at least Paragraph 0039 discloses “all of this information will be used in printing receipts, preparing total tax deductions and calculating tax savings.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because it allows for permanent recording and tracking of donation information, as well as, an easy way to track financial goals.

As per claim 17

Gruber discloses:

- *the mail includes a gift from the user that made the donation (see at least paragraph 0064).*

As per claim 18

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to enable each of the users to make a payment to the health care facility or the entity over the network (see at least paragraph 0013).*

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As per claim 19

Gruber discloses the limitations as shown in the rejection of Claim 1 above. Gruber does not disclose the limitation of *the donation information includes a telephone number usable by the users to make a payment to the health care facility or the entity over the phone*. However, Hermreck, in at least Paragraph 0043 discloses “new charity input page 152 is a graphical user interface providing data entry fields for entering the new charity's address 154, additional address 156 if applicable, city 158, state 160, zip code 162, phone number 164, and a description of the charity 166. Alternatively, various charities may be selected from a pull-down menu.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because it allows for a more efficient way of recording an organization's information.

As per claim 20

Gruber discloses the limitations as shown in the rejection of Claim 1 above. Gruber does not disclose the limitation of *the donation information includes a mailing address usable by the users to mail a payment to the health care facility or the entity*. However, Hermreck, in at least Paragraph 0043 discloses “new charity input page 152 is a graphical user interface providing data entry fields for entering the new charity's address 154, additional address 156 if applicable, city 158, state 160, zip code 162, phone number 164, and a description of the charity 166. Alternatively, various charities may be selected from a pull-down menu.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because it allows for the appropriate destination to be provided for mail-in payments.

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As per claim 21

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to enable each of the users to electronically deliver an invitation to an electronic address of at least one nonuser, the invitation including information related to the graphical user interface related to the resident (see at least paragraph 0065).*

As per claim 22

Gruber discloses:

- *the instructions include at least one instruction which directs the graphical user interface to present an input to at least one of the users wherein activation of said input enables the user to electronically deliver a message to an electronic address of the health care facility, the message including a compliment to a person who has provided services to the resident (see at least paragraph 0040).*

As per claim 23

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to present an input to at least one of the users wherein activation of said input enables the user to cause the graphical user interface to present complimenting information related to services provided to the resident (see at least paragraph 0057).*

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As per claim 24

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to present an input to at least one of the users wherein activation of said input enables the user to electronically complete a survey of the health care facility, whereafter, at least one of the instructions directs the processor to electronically deliver the completed survey to an electronic address of the health care facility (see at least paragraph 0074).*

As per claim 25

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to present an input to at least one of the users wherein activation of said input enables the user to electronically deliver a complaint to an electronic address of the health care facility (see at least paragraph 0040).*

As per claim 26

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to present a designated electronic letter from the health care facility to each of the users (see at least paragraph 0072).*

As per claim 27

Gruber discloses:

- *the instructions include at least one instruction which directs the processor to cause the graphical user interface to present a survey of the health care facility to each of the users (see at least paragraph 0040).*

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As per claim 28 & 48

Gruber discloses:

- *operate a website accessible to a plurality of internet access devices (see at least paragraph 0023);*
- *cause the website to automatically present the donation information to the users in accordance with a time scheme based on a historical pattern of inputs made by each of the users at the website (see at least paragraph 0036).*
- *enable at least one of the users to present information related to the patient's health condition, the information being available to the other users at the website (see at least paragraph 0023);*
- *enable the users to electronically deliver information to an electronic address of the hospital (see at least paragraph 0030)*
- *enable the hospital to electronically deliver information to each of the users, the information being accessible to the users at a designated portion of the website (see at least paragraph 0035).*

Gruber does not disclose the following, however Hermreck does:

- *cause the website to present donation information to the users, the donation information providing the users with direction on making a donation to the hospital; hospital or an entity other than the hospital, the entity having a purpose to raise donations which are at least partially receivable by the hospital (see at least paragraph 0039).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because a GUI would allow for an efficient and quick way to record, track and make donations.

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As per claim 30

Gruber discloses:

- *the instructions include at least one instruction which directs the server to cause the website to have a graphical scheme which is substantially similar to a graphical scheme of a website of the hospital (see at least paragraph 0034).*

As per claim 31

Gruber discloses:

- *the instructions include at least one instruction which directs the server to cause the website to present an input to at least one of the users wherein activation of said input enables the user to electronically deliver a " message to an electronic address of the hospital, the message including a compliment to a person who has provided services to the patient (see at least paragraph 0040).*

As per claim 32

Gruber discloses:

- *the instructions include at least one instruction which directs the server to cause the website to present a survey of the hospital to each of the users (see at least paragraph 0040).*

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As per claim 39 & 49

Gruber discloses:

- *control a graphical user interface which is accessible to a plurality of users over the network (see at least paragraph 0023);*
- *produce a plurality of outputs which vary with different historical patterns of inputs made by each of the users (see at least paragraph 0065 7 0066)*
- *enable at least one of the users to present information related to the resident's circumstance, the information being available to the other users on the graphical user interface (see at least paragraph 0023);*
- *enable the users to electronically deliver information to an electronic address of the organization (see at least paragraph 0025)*
- *automatically present designated communications from the organization to the users when designated events occur, the designated communications being accessible to the users on the graphical user interface (see at least paragraph 0035)*
- *enable the organization to electronically deliver communications to each of the users, the information being accessible to the users at a designated portion of the graphical user interface (see at least paragraph 0035)*
- *enable a designated one of the users to control the other users' access to the graphical user interface (see at least paragraph 0025)*
- *activate at least one security function before providing the users with access to designated information (see at least paragraph 0025)*

Gruber does not disclose the following, however Hermreck does:

- *cause the graphical user interface to present financial contribution information to the users, the financial contribution information providing the users with direction on how to make a financial contribution to the organization; organization or an entity other than the organization, the entity having a purpose to raise donations for use related to the resident's circumstance (see at least paragraph 0039).*

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It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because a GUI would allow for an efficient and quick way to record, track and make donations.

As per claim 40

Gruber discloses:

- *the organization is selected from the group consisting of a health care provider, a military unit, a college, a university, an education provider and a recreation provider (see at least paragraph 0010).*

As per claim 41

Gruber discloses:

- *the outputs include a prompt selected from the group consisting of a prompt for each of the users to make a financial contribution to the organization or the entity, a prompt for each of the users to complete a survey of the organization, and a prompt for each of the users to electronically deliver a compliment to at least one of the organizations (see at least paragraph 0040 & 0073).*

As per claim 42

Gruber discloses:

- *the instructions include at least one instruction which causes the graphical user interface to present an input to each of the users wherein activation of said input transfers the user to a location on the network where the user can make a payment to the organization or the entity over the network (see at least paragraph 0073).*

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As per claim 43

Gruber discloses:

- *the instructions include at least one instruction which enables each of the users to make a payment to the organization or the entity over the network (see at least paragraph 0073).*

18. Claims 11 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber in view of Hermreck in further view of Ambani US Patent Number 7,117,173 B1.

As per claim 11 & 29

Gruber & Hermreck discloses the limitations as shown in the rejection of Claim 1 & 28 above. Gruber & Hermreck do not disclose the limitation of *the instructions include at least one instruction which directs the processor to enable at least one of the users to present a photograph of the resident on the graphical user interface*. However, Ambani does in at least figure 8B.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber with the technique of Hermreck because a photograph allows the donor to see who the donation is for and how the donation is helping.

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber in view of Hermreck in further view of **Official Notice**.

With regard to the limitation of *the instructions include at least one instruction which directs the processor to cause text on the graphical user interface to be selectively presented in a plurality of different human languages*, Gruber in at least the Abstract discloses “a computer-implemented method and system for efficient communication among a patient and family and friends is provided.” Gruber does not specifically state that *text on the graphical user interface to be selectively presented in a plurality of different human languages*. However, the Examiner takes **Official Notice** that it is old and well known in the computer arts to have webpage’s and graphical user interfaces in different languages.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to [combine/modify] the method of Gruber & Hermreck with the technique of **Official Notice** because it will allow the families of patients and donors around the world to effectively and efficiently communicate to each other.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KITO R. ROBINSON** whose telephone number is **(571)270-3921**. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kambiz Abdi** can be reached on **(571) 272-6702**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or **571-272-1000**.

/Kito R Robinson/
Examiner, Art Unit 3692

01 December 2008

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692